



Muskegon County's Holistic Approach to Child Support is Becoming a National Model

By Jane Hess
MSC Public Information Office

In 2012, Muskegon's prosecuting attorney and chief judge determined that the public in Muskegon County would be better served by having their offices combine resources to provide in one location the services that were formerly provided separately.

Sandra Vanderhyde, Deputy Court Administrator of the Muskegon County Circuit Court, has been coordinating efforts between the court and the prosecuting attorney's office, and hopes their successful model will spread to other counties. "We are hoping that the trend is moving toward collaborating to share existing resources in one office so that the same people are involved throughout the life of the case," she said.

Muskegon County's creative and collaborative approach to administering child support has other states taking notice.

Right now in Michigan, the establishment function in many courts still lies in the prosecuting attorney's office. But recent legislation allows the Friend of the Court (FOC) to assume these responsibilities.

To that end, Muskegon County has developed SEED – the Support Establishment and Enforcement Docket. SEED's objective is to address, before a support order is established, the main barriers that prevent parents from being actively involved in their children's lives and from financially supporting their children. The goal is to assist parents in finding solutions so they can provide the much-needed financial and emotional support for their children.

"In Muskegon, we are not just looking at getting parents a job," Vanderhyde explained. "We are focusing on the whole person and family, and all of their needs, because it could be much more basic or much more complex than just needing a job."

She added, "There is a reason that they cannot get a job or keep a job. That is why we have to help with the basics."

In October 2016, Muskegon County received a grant and created an additional program called PASS – Procedural Action to Self-Sufficiency – to improve collecting child support post-judgment.

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The Pundit provides information on current issues to Michigan child support staff. The Pundit is not intended to provide legal advice and does not represent the opinions of the Michigan Supreme Court or the State Court Administrative Office.

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Through PASS, a clinician will work with parents who have orders to identify the barriers that prevent them from complying with their order. After the barriers are identified, a case action plan will be put in place to help mitigate or remove the barriers that are preventing the parent from complying with the court order.

Programs like SEED and PASS are necessary, Vanderhyde says, because the holistic approach brings evidence-based results.

"I think we focus on the holistic approach because there are many barriers facing the population that we work with," Vanderhyde remarked. "If these programs did not exist, the issues would still exist, so we have to do something more."

Vanderhyde has become something of a national expert on the subject. She presented a talk called "From Choppy Seas to a Day at the Beach: Problem Solving Alternatives to Civil Contempt" in May 2016 at the annual Eastern Regional Interstate Child Support Association (ERICSA) Conference in South Carolina.

And after receiving the grant in October 2016, she traveled to Washington D.C., to be part of a dialog about different state's programs. The holistic nature of Muskegon's approach, combined with the implementation of innovative programs such as SEED and PASS, have set it apart from most other programs across the nation as "cutting-edge."

This year, she has been invited to speak at the Indiana Prosecuting Attorney Counsel's Child Support Conference in June. Vanderhyde plans to present on "What you need to know about the legal system in Michigan," as well as Muskegon County's holistic approach to child support establishment.

Vanderhyde said she thinks it is important for states to share their models with one another.

"I think it will be fun to share with Indiana the direction that Michigan is heading," Vanderhyde said. "From going to the ERICSA Conference and sharing experiences with other states, it does seem that this holistic approach is starting to become the new direction, nationwide, and that is exciting."



THE PUNDIT

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Justice on a Planet with No Atmosphere

Imagine you are on a planet with no atmosphere. Much like our moon there may be great mountains, stunning vistas, sweeping plains, and more beauty than you could ever imagine. But with no atmosphere, you cannot experience it to the fullest because you are forced to wear a protective space suit.

Sometimes courts can come across the same way. Court processes and services are designed to deliver fair and just results, but sometimes, they end up depriving court users of a true sense of what they are going through.

In an effort to remedy that, procedural justice is fast becoming a guiding principal to improve court services. Those of us who are court employees continuously think in terms of “procedure” and “justice” and so the idea that we would *implement* procedural justice seems redundant. However, in practice, procedural justice has very little to do with procedure or justice and, in some ways, is contrary to how we traditionally view the role of courts and court employees.



Procedural justice refers to the way people perceive the process rather than the actual process itself. Studies show that people are more likely to comply with results they do not like or agree with if they feel the manner in which those results were achieved was fair. And the most important determiners of whether a person perceives the process is fair are the people who conduct the process.

Thus, even with all the tools available to us in the child support arena to ensure people abide by their orders, the most important tool may be us.

Procedural justice is important at every step in the process, not just in the courtroom. From the first contact with a person in the child support program until the end of the order, we are being judged on whether the process is fair. If we succeed, the people in the process will accept their responsibilities even if they disagree with the end result. If we fail, we all will have a tougher time.

Procedural justice relies on four basic principles, which often overlap:

- The person must have a **voice** in the process;
- The person must feel that the process is **neutral**;
- The person must feel **respected** in the process, and;
- The person must **understand** the rules by which decisions are made.

Voice. Voice means the opportunity to have input in the decision. It is not enough merely to have the right to speak. Rather, the person must have an opportunity to tell their story in their own words and have a say in what they feel the outcome should be. As part of feeling they have a voice, it is important that people know that the decider is sincerely listening and understanding what they are saying. For that reason, it is often useful to repeat back to the person what it is that you hear. In light of other principles in procedural justice, our response should not put a positive or negative value on the person's words; rather a simple, “what I hear you saying is...” will suffice.

Neutrality. Neutrality is having principled decision-makers who make decisions based upon rules and not personal opinions. They must apply the rules consistently. The easiest way to demonstrate neutrality is to be transparent and open about how the rules are being applied and how decisions are being made. This may require a little extra time to explain what the rule is.

Respect. We demonstrate respect by affirming to people that they are viewed as important and valuable and that both they and their problems are taken seriously. So, if a hearing officer is running late, an explanation and apology may be in order. Thanking people for doing something – even if we expect them to do it -- will go a long way toward showing that we regard them as important. Often people come into the child support system confused about how cases are handled. They usually talk to a minimum of three different offices and do not even realize it. Providing information about what to do, where to go, when to appear, and what will happen next demonstrates respect for them and for their right to have their problems handled fairly.

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Justice on a Planet with No Atmosphere *(cont'd from page 3)*

Understanding or Trust. Understanding or trust is cultivated by clearly describing the rules in how a decision is made. It is not enough to hold a hearing and make a decision; nor is it useful to duplicate procedures other child support professionals have done. The person needs to understand why we are doing something, what rules we applied, and what went into our decisions. Simply explaining what will happen and then demonstrating that the result was reached through that process develops trust in the process. Avoid using confusing language or jargon. Jargon in particular leaves the impression that there are rules that only an insider understands.

Here are a few ways we can help deliver services that satisfy procedural justice principles:

- Create brochures or websites to help people understand where to go, what to do, and what the rules are.
- Be sincere and caring. Have empathy for the person using our services.
- Listen, and demonstrate you are doing so, by repeating back key concepts. Ask if you understood correctly.
- Explain why you are doing what you are doing.
- Apply rules consistently, both personally and within the office.
- Explain what is happening and explain how the result follows from it.
- Say please and thank you – often.
- Use signs and help desks.
- Tell people what to expect in terms of events, time, and outcome.
- Use plain English.
- Avoid acronyms.

Every day, our courts and their staffs work hard to make fair decisions that impact many lives. It would be a terrible misfortune if any of those people received a fair decision and were not able to appreciate the atmosphere of justice in which it was delivered. Please feel free to share some of the ways your office is using procedural justice to get better outcomes and serve the public better, and we may highlight them in future issues of The PUNDIT.

If you have any questions about how your office can begin to implement procedural justice concepts in your office, please contact Steve Capps or Paul Gehm at (517) 373-5975 or focb-info@courts.mi.gov.

The Hague Convention and What it Means For the Child Support Program

Why do I keep hearing about this convention?

In early 2007, the Hague Conference on Private International Law called for a convention to improve cooperation between countries to effectively recover international child support and other family maintenance. In November of 2007, *The Hague Convention on the International Recovery of Child Support and Other*

(cont'd on page 5)

The Hague Convention *(cont'd from page 4)*

Forms of Family Maintenance (“the Convention”) released a list of recommendations and a uniform law for participating countries, all aimed at the collection and disbursement of international child support. The Convention was signed by all participating parties, including the United States (US); however, this would not be effective until further action was taken by the US Senate.



In 2008, the Uniform Law Commission approved amendments to the 2001 Uniform Interstate Family Support Act (UIFSA), which is now known as “UIFSA 2008.” The Uniform Law Commission, together with the Office of Child Support Enforcement (OCSE) amended UIFSA to integrate the appropriate provisions of the Convention. Later that same year, the Convention was submitted to the US Senate. While the US was a participant in the Convention and signed the Convention agreement, the US participants could not bind the US to the rules of the Convention; the implementation of the Convention would require a signed treaty between the US and other foreign nations, and only the US Senate can ratify a treaty. The Convention’s first stop in the US Senate was with the US Senate Committee on Foreign Relations.

The Senate Committee reviewed the report, held hearings on the implications of the Convention, and, in January 2010, issued the recommendation that the US Senate ratify the Convention. Later that year, on September 29, 2010, the US Senate passed the Convention by unanimous consent, and attached it to the Preventing Sex Trafficking and Strengthening Families Act.

Implementing legislation for the Convention and for UIFSA 2008 was included in the Preventing Sex Trafficking and Strengthening Families Act of 2014. The law required that for a state to continue to receive federal child support enforcement funding, the state must verbatim adopt all of the UIFSA 2008 amendments, including the Hague Treaty supporting legislation by the end of the state's legislative term ending in 2015.

As of 2010, states could be working under one of four different versions of UIFSA- 1992, 1996, 2002, or 2008. The different versions made it difficult to work with each other on child support cases involving multiple states. This inconsistency hindered states' abilities to obtain child support payments across state borders, as states had to know which state was under which version of UIFSA, and proceed accordingly while still acting under its own version of UIFSA.

After a year's worth of work, and debate, Michigan passed UIFSA 2008 and the Convention in December 2015. When all of the states passed UIFSA 2008 and the Convention, OCSE coordinated with other federal departments to get the final Convention documents signed and ratified. (cont'd on page 7)

The Hague Convention *(cont'd from page 5)*

OCSE began holding monthly conference calls for state child support programs to highlight the biggest changes under UIFSA 2008 and to introduce the Convention requirements. While these educational efforts began to trickle down to the caseworkers in each state's child support program, OCSE continued to tell states that the Convention is *not* in effect until the President signs and ratifies the Convention Treaty. In September 2016, President Obama signed the Convention treaty, and the Convention documents were ratified in The Hague, with implementation to begin on January 1, 2017.

Now that the history lesson is over, how do I handle international cases under the Convention?

Implementation of the Convention requirements is a bit tricky, but only because the Convention creates a new classification of international agreements between states and foreign countries. Before the Convention, there were three ways a state could exercise child support collection with another country: Foreign Reciprocating Country (FRC), state-specific reciprocity agreements, and granting comity to the other country's child support order. Now, a state can operate under any of the three older options or under the Convention requirements.

What Is the difference between the country types?

Most countries are in one of four classes - Convention Country, Foreign Reciprocating Country, State-Specific Reciprocity Agreements, or Comity.

Convention Country: Any country that has already registered the required Convention documentation with The Hague is considered to be a "Convention Country." As the Convention continues making its way through other countries, this list may grow.

Foreign Reciprocating Country: The US Secretary of State and the US Secretary of Health and Human Services may jointly declare a country to be a Foreign Reciprocating Country if the other country has legal procedures available to US residents for establishing and enforcing child support orders. Many of these countries are also now Convention Countries.

State-Specific Reciprocity Agreements: If the US Secretary of State and US Secretary of Health have not declared a country as an FRC, then a state may enter into its own reciprocal agreement with that foreign country. The state agreement will remain in effect until a country becomes an FRC or Convention Country.

Comity: The courtesy one jurisdiction gives by enforcing the laws of another jurisdiction. Another country's order can be granted comity by a US court. Comity of another state's order is effective only if the other state's order does not directly conflict with the US' public policy. A caseworker in Michigan can ask the central authority for child support issues of another country to enforce the Michigan order; however, the other country does not need to comply. Furthermore, another country may ask a Michigan court to enforce its child support order – if the request is from a country that has no agreement with the US or the state of Michigan, the court will need to determine comity before the caseworker can proceed.

So, how do I know which type of process to use?

The simplest way is to print out the list at the bottom of this article. There are some countries that are still trying to get the Convention passed, so the list may be updated in the future. An updated list of Hague Countries is at The Hague: <https://www.hcch.net/en/instruments/conventions/status-table/?cid=131>; for a list of Reciprocal Countries provided/updated by OCSE (non-Hague agreements), go to <https://www.acf.hhs.gov/css/resource/foreign-reciprocating-countries>.

The Hague Convention *(cont'd from page 6)*

What is the difference in these different international case processing categories?

The Convention cases must use The Hague Convention forms and supporting documentation. These forms are available online through The Hague Convention website (<https://www.hcch.net/en/instruments/conventions/specialised-sections/child-support>), and will also become available through the OCSE in the near future. In addition to the Convention forms, Convention packets include a complete copy of the order, a record stating that the order is enforceable in the other country, a record attesting to due process if the order is a default order, copy of the arrears record, and a record of receipt of free legal assistance in the issuing country if it is necessary.

Processing cases with an FRC country will remain the same as it is now. Caseworkers will need to submit a transmittal letter, two copies of the court order (one order certified), a certified statement of arrears, obligor/obligee contact information, the name and address of payment recipient, and a copy of the determining controlling order if required. Remember, these forms are not available on MiCSES – the caseworker will need to access the necessary forms for each country at the OCSE's website (<http://www.acf.hhs.gov/css/resource/foreign-reciprocating-countries>).

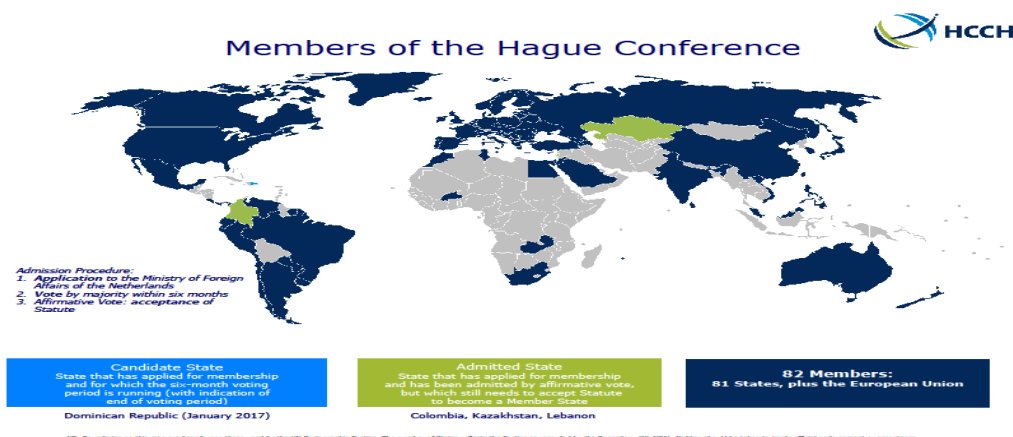
State-specific reciprocating agreements require the Michigan caseworker to submit a copy of the completed Transmittal #1 form, as well as a copy of the current order authorizing an income withholding. The Transmittal #1 form is available in MiCSES.

When a country is not bound by the Convention, an FRC, or a state-specific reciprocal agreement, the caseworker should work with that other country's Central Authority to determine what documents, if any, are required to proceed with a case.

...There will be more information on international case processing, right?

Absolutely! The OCSE is working on webinars and web-based training for state and local child support staff to use. As information and trainings are made available, the State Court Administrative Office Friend of the Court Bureau and the Office of Child Support will make sure to disseminate the announcements. In the meantime, if a Friend of the Court or caseworker has any questions, please contact Elizabeth Stomski at the State Court Administrative Office Friend of the Court Bureau (StomskiE@courts.mi.gov) or Andrew Moore at the Office of Child Support (MooreA@michigan.gov).

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The Hague Convention *(cont'd from page 7)*

International Case Processing

Foreign Reciprocating Countries

Australia	Netherlands
Canada (not Quebec)	Norway
Czech Republic	Poland
El Salvador	Portugal
Finland	Slovak Republic
Hungary	Switzerland
Ireland	United Kingdom
Israel	

State Reciprocating Countries

Austria	Germany
Province of Quebec	Sweden
France	

If the country you are working with is not listed, attempt comity of the other country's order.

Through December 31, 2016

International Case Processing

Hague Conference Countries

All 27 European Union Countries
(Austria, Belgium, Bulgaria, Croatia, Cyprus,
Czech Republic, Denmark, Estonia, Finland,
France, Germany, Greece,
Hungary, Ireland, Italy,
Latvia, Lithuania, Luxembourg,
Malta, Netherlands, Poland, Portugal,
Romania, Slovakia, Slovenia, Spain, Sweden,
United Kingdom*)

Norway
Albania
Ukraine
Bosnia and Herzegovina

Foreign Reciprocating Countries

Australia
Canada (not Quebec)
El Salvador
Israel
Norway
Slovak Republic
Switzerland

State Reciprocating Countries

Province of Quebec

If the country you are working with is not listed, attempt comity of the other country's order.

Effective January 1, 2017

The Importance of Screening Friend of the Court Cases for Domestic Abuse

No Friend of the Court office (FOC) can adequately anticipate when violent acts will occur. However, identifying domestic abuse early in a case allows the FOC to take proper precautions to promote the safety of the parties, their children, and court personnel. In addition, identifying domestic abuse early in a case allows the FOC to gather information about the parties' circumstances that is needed to provide a sound factual basis for judges and referees who must issue orders governing the parties.

How common is domestic abuse in the state of Michigan? According to the Michigan Incident Crime Reporting (MICR) statistics for 2009 (the most recent year with completed data), there were 103,331 offenses of domestic abuse reported to law enforcement. One hundred twenty-five of these incidents resulted in a victim fatality, and in 35,097 incidents, minor injuries were reported. Women between the ages of 20 and 29 represented the largest group of domestic abuse victims. The most common relationships of the victims to their attacker were: dating, former dating, or spouse. For more information, see a [2015 domestic violence report](#).

What steps can FOC staff take to protect themselves, parties, and others? The following are recommendations for properly screening cases for domestic abuse:

- ◆ When the FOC opens a new case, an FOC employee should do one or more of the following:
 - Search databases such as ICHAT, VINE, or Judicial Data Warehouse for incidents of domestic abuse.
 - Check for criminal and civil records within the court's own jurisdiction.
 - Review pleadings for allegations of domestic abuse.
- ◆ Screening questionnaires: In addition to the database searches, FOC staff should conduct written or oral screening of both parties at the beginning of the domestic relations case and before any meeting or hearing where both parties could be present. Screening should be done separately with each party to avoid situations where one intimidates the other in order to influence what is (or is not) disclosed. The State Court Administrative Office (SCAO) has [developed a screening document](#).
- ◆ A [longer version of the domestic abuse screening document](#) is also available.

If domestic abuse is identified in an FOC case, the office should take the following steps:

- ◆ Minimize contact between the parties:
 - Ensure the parties have as little contact with one another before, during, or after any meeting or hearing.
- ◆ Inform relevant court personnel:
 - FOC staff that may have contact with the parties should be informed of the domestic abuse concerns.
- ◆ Courts should provide ongoing information about court practices and procedures to both parties.
 - Note: When an abused individual understands the nature and planning of the court's actions, safety planning is more attainable.
- ◆ Have extra security present when the parties appear for a meeting or hearing. (cont'd on page 10)

The Importance of Screening Friend of the Court Cases for Domestic Abuse *(cont'd from page 9)*

- ◆ Keep abused parties' addresses confidential.
- ◆ Have domestic abuse information available (e.g., domestic abuse shelter and agency contact information and brochures in the lobby). Note: A cooperative working relationship with a domestic abuse service agency can also provide the FOC with a valuable resource with expertise beyond that normally found among court personnel.
- ◆ Explain to both parties that custody investigations will address domestic abuse as well as other issues regarding the relationship between the parties.
- ◆ Recommend specific parenting time. This will prevent abusers from making unreasonable demands for parenting time.
- ◆ Select appropriate parenting time enforcement procedures that will protect both parties and the child.
- ◆ Explain to both parties that child support reviews for FOC cases with state assistance are mandatory and not the result of one parent's request.
- ◆ Initiate child support enforcement based on MiCSES reports and not solely at the request of the child support payee.
- ◆ Some domestic abuse victims may choose to participate in an alternative dispute resolution (ADR) process. ADR should not take place unless it is truly the choice of the domestic abuse victim, and in a way that protects court staff. Also, parties should not be required to participate in ADR together if there is a personal protection order in place.
- ◆ If domestic abuse is an issue in the case, the FOC can proceed with an FOC ADR process, but it is highly recommended that the office secures the informed consent of the victim, and have separate arrival and departure times for the parties. In addition the FOC should do one of the following:
 - Have the attorney for the victim present during the FOC ADR session; or,
 - Have the parties in separate meeting rooms, or conduct the ADR session by telephone.

Domestic abuse occurs in all social groups without regard to the parties' racial, ethnic, economic, religious, educational, professional, or social backgrounds. It is critical for FOC staff to take the necessary steps to properly screen domestic relations cases and structure office processes that will provide for the safety of all those involved.

For more information, contact Tim Cole at (517) 373-5975 or colet@courts.mi.gov.

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WEAVER V. GIFFELS

CASE SUMMARY AND IMPACT ON FOCs

Although child support obligations generally end when a child reaches the age of eighteen, there are limited circumstances where the court may make an exception. If the child reaches 18, but is attending high school full-time and residing on a full-time basis with the child support recipient, the support obligation may continue. In the recent State of Michigan Court of Appeals case, *Weaver v. Giffels*, the court decided that “residing on a full-time basis with the child support recipient” means the child must physically live at the residence of the child support recipient and intend to make that place the child’s permanent residence. Ultimately, the case was returned to the trial court to determine whether the child resided with her mother full-time.

FACTS

Plaintiff and defendant had two children together during their marriage: KG and MG. At the time of divorce, the parties were granted joint custody of the children. The parties informally agreed the children would live with plaintiff four days a week and with defendant three days a week. Defendant was also ordered to pay child support until either (1) the child’s 18th birthday, or (2) the last day the child attended high school full time, as long as the child resided full-time with the recipient of support, but not after the child turned 19½ years old. The oldest child, KG, turned 18 on November 26, 2014, while still attending high school full-time. After she turned 18, defendant filed to end his child support obligations for KG. The referee determined “full-time basis” meant the child must live with the recipient of support all of the time. Because of this, the referee determined defendant’s child support obligation for KG ended.

Plaintiff challenged the referee’s definition of “full-time basis” by arguing it would be unlikely for a child receiving support to live with one parent all of the time due to custody arrangements. After a hearing, the circuit court ordered defendant’s support obligation for KG to continue. The court defined “full-time basis” as spending all of the time the custody arrangement ordered with the recipient of the support. Therefore, defendant was to continue support for KG on the basis that she lived with Plaintiff all of time she was ordered. Defendant appealed.

OUTCOME

The State of Michigan Court of Appeals rejected the lower court’s determination that “full-time basis” refers to full compliance with a custody order because, after the age of 18, KG was no longer subject to the custody order and was able to choose where she wanted to live. The court determined that to live with a parent on a “full-time basis,” the child must both physically live with the parent and intend that place to be the permanent residence. The court remanded the case and directed the trial court to consider (1) the subjective or declared intent of KG; (2) the relationship between KG and the members of the household; (3) whether the place where KG lives is in the same house as plaintiff; and (4) the existence of another place of lodging by KG.

IMPLICATIONS

If an order provides a specific end-date, that order controls and may be modified on a motion from a party. However, if an order does not provide a specific end-date, as a result of the decision in *Weaver*, the requirements for the extension of child support beyond the age of majority (eighteen) will be changed. For a child support obligation to extend past the age of 18 without the parties’ consent, four factors must be met: (1) the child must be enrolled in high school and on track to graduate; (2) the child is not yet 19 1/2-years old; (3) the child physically resides with the child support recipient; (4) the child intends the child support recipient’s house to be the place of residence.

Please contact Bill Bartels or Paul Gehm with any questions at 517-373-5975.



INTERGOVERNMENTAL CORNER

A highlight of current intergovernmental issues.

The Hague Convention went into effect January 1, 2017. For more information on what this means to the Child Support Program, see the infographic below, and the article in this edition "[The Hague Convention and What it Means For the Child Support Program.](#)"

What Happens When the Convention Comes into Force in the U.S.?

- The U.S. will immediately have reciprocal arrangements with a total of 48 countries and Canadian provinces/territories.
 - * 32 Convention Countries; which includes 10 current Foreign Reciprocating Countries.
 - * 16 Foreign Reciprocating Countries and Provinces/Territories that are not Convention Countries.
- UIFSA Article 7 will become effective.
- States can start sending and receiving “new” cases under the Treaty.
 - * Pre-existing cases with Hague countries will continue as before, until a major action is needed.





MICHIGAN COURT OF APPEALS DECISIONS

PUBLISHED AND UNPUBLISHED SEE: <http://courts.mi.gov/courts/coa/opinions/pages/zipfiles.aspx>

Weaver v. Giffels, opinion of the Court of Appeals, released November 10, 2016. (Docket No. 327844). In determining whether a child is residing with a parent on a full-time basis for the purpose of continuing child support, the custody and parenting time order is irrelevant because the order no longer applies to an 18-year-old; rather, full-time basis refers to the child's physical presence at the child support recipient's residence combined with the child's intent to reside there permanently.

Curtis v. Norman, unpublished opinion of the Court of Appeals, released September 13, 2016. (Docket No. 332477). The mother's established custodial environment was not destroyed despite her recent arrest and 30-day incarceration when the six-year-old child continued to look to the mother for basic guidance and necessities, and the mother is actively working on treating her use of alcohol.

Dilts v. Dilts, unpublished opinion of the Court of Appeals, released September 22, 2016. (Docket No. 332230). The statute does not place a time limit on the trial court's right to review a matter that has been submitted to a referee and the trial court did not abuse its discretion by conducting a de novo hearing on the threshold question of whether there was a substantial change in circumstances where proceeding with the referee's finding could have caused unnecessary further proceedings in the case.

Vial v. Flowers, unpublished opinion of the Court of Appeals, released September 22, 2016. (Docket No. 332549). Parties' mediation agreement on custody and parenting time was binding under court rule, even though the defendant changed her mind before the hearing, as it adhered to the requirements that it be put in writing and signed by the parties; however, remand was necessary because the trial court failed to make an independent examination of the best-interest factors before entering the agreement as an order.

Sherman v. Sherman, unpublished opinion of the court of appeals, released October 6, 2016. (Docket No. 331622). When an established custodial environment existed with both parents, the trial court correctly applied the clear and convincing evidence standard in determining whether to change custody.

Bowman v. Bowman, unpublished opinion of the Court of Appeals, released October 10, 2016. (Docket No. 331870). When mother filed for custody in Georgia before father filed in Michigan and neither Georgia nor Michigan qualified under the Uniform Child Custody Jurisdiction and Enforcement Act, the trial court determined that substantial evidence was available in Georgia concerning the children and properly determined that Georgia could exercise jurisdiction but erred by declining to exercise jurisdiction without first communicating with the Georgia court to determine whether that court believed Michigan should exercise jurisdiction.

Exline v. Silver, unpublished opinion of the Court of Appeals, released October 13, 2016. (Docket No. 327797). Trial court erred in failing to consider defendant's rental profits (and gains from sale) and monetary value of numerous perks in the calculation of his income, finding that the list of perks in the MCSF is "nonexclusive."

Corbin v. Boulton, unpublished opinion of the court of appeals, released October 13, 2016. (Docket No. 332049). The change in custody, which granted the defendant sole physical custody of the child, was justified because the child had an established a custodial environment with the defendant, while the plaintiff's parenting time was infrequent, varied, and short in duration.

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Anderson v. Anderson, unpublished opinion of the court of appeals, released November 1, 2016. (Docket No. 329133). The trial court erred by making findings on only the contested best interest factors when changing parenting time that altered the child's established custodial environment equating to a custody change requiring findings under all of the best interest factors.

Underhill v. Underhill, unpublished opinion of the Court of Appeals, released November 1, 2016. (Docket No. 331897). When there were safety concerns for the child the court could properly extend the mother's parenting time through the completion of its custody hearing without making findings commensurate with a change in custody.

Thaxton v. Blanchard, unpublished opinion of the Court of Appeals, released December 6, 2016. (Docket No. 327545). The upward modification of child support was justified because the plaintiff substantially underreported her income; the income was correctly recalculated by comparing the plaintiff's bank statements and tax returns, as well as accounting for business expense deductions.

Donajkowski v. McGrath, unpublished opinion of the Court of Appeals, released December 8, 2016. (Docket No. 332941). Isolated behavioral incidences of disobedience attributed to becoming a teenager and former use of corporal discipline which plaintiff agreed to discontinue were not a substantial change of circumstances sufficient to justify a change in custody.

Bowling v. McCarrick, unpublished opinion of the Court of Appeals, released December 13, 2016. (Docket No. 331583). Trial court erred when it referred the motion to change custody to the friend of the court for a conciliation conference *before* answering the threshold question of whether there was a proper cause or a change in circumstances.

Ashmore v. Ashmore, unpublished opinion of the court of appeals, released December 15, 2016. (Docket No. 333440). The trial court was not required to hold an evidentiary hearing on defendant's disputed allegation that there was a substantial change in circumstances, when the trial court determined that the allegations and preliminary evidence did not constitute a substantial change in circumstances sufficient to change custody.

Waterman v. Waterman, unpublished opinion of the Court of Appeals, released December 15, 2016. (Docket No. 332537). In determining the defendant's income for purposes of child support, the arbitrator properly scrutinized defendant's tax returns and added back deductions from his business that included flow-through income and depreciation expenses.

Michigan IV-D Memorandum (Office of Child Support)

2016-040 (Dec. 29, 2016) Hague Maintenance Convention Case-Processing Forms

This IV-D Memorandum describes when certain Convention forms should be used and how to determine which forms should be used for a given country. It also explains terminology differences between U.S. child support cases and Convention cases.

2016-039 (Dec. 5, 2016) Revised Fair Credit Reporting Act (FCRA) Requirements and Requests to Third-Party Verification of Employment (VOE) Providers

This IV-D Memorandum discusses the guidance provided in the federal Office of Child Support Enforcement (OCSE) Dear Colleague Letter (DCL)-16-01, *Guidance about Third-Party Verification of Employment Providers*. DCL-16-01 explains that a 2015 amendment to section 604 of the FCRA removed the requirement that child support agencies give 10 days' notice to the noncustodial parent (NCP) before requesting consumer information that will be used for enforcing a child support order.

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THE LEGAL CORNER

A summary of recent Michigan Supreme Court and Michigan Court of Appeals decisions.

2016-038 (Dec. 1, 2016) Changes and Clarifications to the Calculation of the Arrears Case Percentage and Support Order Percentage Performance Measures

Since the beginning of fiscal year (FY) 2016 (October 1, 2015), OCS and other IV-D staff have identified the need for clarifications and several system corrections to two of the federal IV-D performance incentive factors. OCS recognizes that IV-D staff continue to have questions regarding the calculation of federal performance measures.

2016-037 (Nov. 29, 2016) Arrears Management Program (AMP), Payment Plans, and Arrears Adjustment Reason Codes

This IV-D Memorandum provides an assessment of Arrears Management Program (AMP) strategies (also known as arrears management strategies) and discusses changes to the administrative procedures for AMP strategies. It also explains several enhancements in the Michigan Child Support Enforcement System (MiCSES) 9.3 Release (December 2, 2016) that will support the changes in administrative procedures for the AMP strategies.

2016-036 (Nov. 21, 2016) New FOC Interactive Voice Response (IVR) System Information and Related Updates

The new FOC IVR provides one toll-free number for customers to call to access child support case information over the telephone. Counties began transitioning to the new FOC IVR in September 2016, and the transition will be completed in November 2016. This IV-D Memorandum announces revisions to child support policy, forms, and websites to reflect the transition to the new FOC IVR.

2016-035 (Nov. 28, 2016) Implementing the 2017 Michigan Child Support Formula (MCSF) and Transitioning National Medical Support Notice (NMSN) Processing to the NMSN Processing Unit

This IV-D Memorandum explains changes to child support policy to incorporate the 2017 MCSF. OCS first announced the transition from the 2013 MCSF to the 2017 MCSF to IV-D staff in IV-D Memorandum 2016-032.

2016-034 (Nov. 28, 2016) Revisions to the Federal Tax Refund Offset (FTRO) Fraud Process and the FMS Offset Notice

This IV-D Memorandum describes the impact of an enhancement in the Michigan Child Support Enforcement System (MiCSES) 9.3 Release (December 2, 2016) that will automatically release potentially fraudulent receipts after six months.

2016-033 (Oct. 14, 2016) Introduction of a State-Specific Welcome Page on the Child Support Portal, and Enhancements to Two Existing Portal Applications

This IV-D Memorandum announces the upcoming implementation of the Office of Child Support Enforcement's (OCSE's) state-specific Welcome page on the Child Support Portal.

2016-032 (Oct. 18, 2016) Mandatory Usage of the MiChildSupport Calculator for IV-D Workers and Necessary Preparations for the 2017 Michigan Child Support Formula (MCSF) Revisions

This IV-D Memorandum provides advance notice of upcoming changes that will affect the support determination processes (order establishment, court-referred support investigations, and review and modification) in PA and FOC offices.

2016-031 (Oct. 14, 2016) Announcement of the Availability of IV-D Funding for the Establishment of Custody/Parenting Time, and the Program Leadership Group (PLG) Policy Statement Regarding Parenting Time

This IV-D Memorandum announces the availability of IV-D funding for the establishment of custody and parenting time provisions with a first-established child support order.

It also provides direction to IV-D staff about the use of IV-D funds for the establishment of custody and parenting time provisions in initial child support orders.

2016-030 (Oct. 4, 2016) Introduction of Michigan IV-D Child Support Manual Section 4.03, "Agency Complaints"

This IV-D Memorandum introduces Section 4.03, "Agency Complaints," of the *Michigan IV-D Child Support Manual*. This section incorporates existing policy on agency complaints, including policy from Action Transmittal (AT) 2003-006, *Agency Complaint Signatures*.